

Motions

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Research References

5 Hinds §§ 5300–5358
8 Cannon §§ 2609–2640
7 Deschler Ch 23
Manual §§ 460, 753, 775, 776, 803

§ 1. In General

Most motions that are used in the practice of the House are specifically provided for by House rule. These motions serve different purposes and are governed by separate procedural requirements, and are treated under separate titles elsewhere in this work. See for example ADJOURNMENT; LAY ON THE TABLE; POSTPONEMENT; PREVIOUS QUESTION; RECONSIDERATION; REFER AND RECOMMIT; SUSPENSION OF RULES.

Motions must also conform to certain common procedural requirements, such as that a Member offering a motion must rise to his feet and address the Chair. § 3, *infra*. While recognition for a motion is always at the discretion of the Speaker (see RECOGNITION), he will ordinarily entertain any motion that is in order under the rules of the House and in accordance with its parliamentary practices. 4 Hinds § 3550. Where a motion not in order under the rules of the House is, without objection, considered and agreed to, it controls the procedure of the House until carried out, unless the House takes affirmative action to the contrary. See 90–2, Oct. 8, 1968, p 30212.

§ 2. Form; Reading of Motion

Motions entertained by the House must be reduced to writing if demanded by a Member. Rule XVI clause 1. *Manual* § 775. The same practice is followed in the Committee of the Whole. 95–1, May 18, 1977, p 15418. Of course, not every motion is in writing when proposed, and even when the point of order is raised, the Chair may give the proponent an opportunity to reduce the motion to writing before putting the question thereon. 99–2, July 24, 1986, p 17641.

The House rules require that a motion be stated by the Speaker or read by the Clerk (*Manual* § 776) before it can be debated. 5 Hinds § 4938. The Clerk's reading may be dispensed with only by unanimous consent. 94–1, Dec. 15, 1975, p 40671.

Where there is a misunderstanding about the wording of a pending motion, the Chair may restate the motion. But it is not in order to ask that the motion be rereported by the Clerk (89–1, Mar. 25, 1965, p 6101) except by unanimous consent (90–1, Sept. 12, 1967, pp 25201, 25211). If there is doubt, the motion voted on is the motion as stated by the Chair in putting the question and not as stated by the Member in offering the motion. 89–1, Mar. 26, 1965, p 6101.

§ 3. Recognition to Offer

A Member cannot make a motion without rising and addressing the Chair. *Manual* § 394. A motion is not pending until the Chair has recognized its proponent. 98–1, Oct. 27, 1983, p 29631. A Member desiring to offer a motion must actively seek recognition from the Chair before another motion to dispose of the pending question has been adopted, and the fact that he may have been standing at that time is not sufficient to confer recognition. 97–1, Nov. 22, 1981, p 28751.

In general, recognition of a Member to offer a motion is at the discretion of the Chair. In certain rules, this discretion is explicitly stated: In Rule XV clause 6(e)(2, a motion for a call of the House is in order when a Member is recognized for that purpose by the Speaker; and further proceedings under a call are considered as dispensed with “unless the Speaker, in his discretion, recognizes for a motion” to compel attendance of absentees. In Rule XVI clause 4, the motions that the Speaker be authorized to declare a recess or to entertain a motion for an adjournment to a day and time certain are entertained “in his discretion.” Other motions in Rule XVI are given a precedence under the rules which the Chair is not free to ignore except where a motion of higher privilege is offered. See Rule XIV clause 2, “When two or more Members rise at once, the Speaker shall name the Member who is first to speak. . . .” (*Manual* § 753).

The Member in charge of the pending bill is entitled at all stages to prior recognition for allowable motions intended to expedite the bill (2 Hinds § 1457; 6 Cannon § 300). But the fact that a Member has the floor on one matter does not necessarily entitle him to prior recognition on a motion relating to another matter. 2 Hinds § 1464. The Member in charge must yield to Members proposing preferential motions (5 Hinds §§ 5391–5395). Ordinarily, when an essential motion made by the Member in charge of a

bill or resolution is decided adversely, the right to prior recognition passes to the Member leading the opposition to the motion. Deschler Ch 23 § 1.2. See also RECOGNITION. As to precedence among particular motions, see motions listed in § 1, *supra*.

§ 4. Dilatory Motions

It has been the rule since 1890 that “[n]o dilatory motion shall be entertained by the Speaker.” Rule XVI clause 10. *Manual* § 803. The Speaker may decline to entertain the motion on his own initiative or on a point of order from the floor. 5 Hinds §§ 5715–5722.

Hinds has said that a motion must be made manifestly for delay in order to justify its rejection as dilatory. 5 Hinds § 5714. Yet the determination of whether a motion is dilatory is entirely within the discretion of the Chair. Deschler Ch 23 § 4.1. Indeed, the question of dilatoriness is not necessarily determined by the length of time at issue or the character of the underlying business, but by the opinion of the Speaker as to whether under the circumstances the motion is made with intent to delay the business of the House. 8 Cannon § 2804.

The Speaker may decline to entertain debate or an appeal on a question as to the dilatoriness of a motion if to do so would defeat the object of the rule. 5 Hinds § 5731.

§ 5. Withdrawal; Reoffering

Generally

A motion having been made, a House rule places it in the possession of the House but permits its withdrawal at “any time before decision or amendment.” Rule XVI clause 2. *Manual* § 776. This rule is interpreted to mean that a motion may be withdrawn in the House as a matter of right unless the House has taken some action thereon (Deschler Ch 23 § 1), such as a demand for the previous question or the ordering of the previous question (5 Hinds §§ 5355, 5489; 104–1, June 24, 1995, p ____). The House does not vote on the withdrawal of the motion, if timely. *Manual* § 460. Unanimous consent is not required if withdrawal occurs before a decision is made on the motion as offered or there is an amendment thereof. 94–1, Mar. 26, 1975, p 8897; 94–2, Sept. 22, 1976, p 31902.

A motion may be withdrawn although an amendment may have been offered to the motion and be pending. 5 Hinds § 5347; 8 Cannon § 2639. A motion may be withdrawn prior to action thereon even though it is under consideration as unfinished business postponed from the preceding day. 95–1, June 17, 1977, p 19693.

Action by the House which will preclude withdrawal of a motion is the ordering of the yeas and nays on the motion. 5 Hinds § 5353. Unanimous consent to withdraw the motion is required where the yeas and nays have been ordered. 91–2, July 9, 1970, p 23524. But a motion may be withdrawn after a voice and a division vote thereon where the Chair has not announced the result, and where another type of vote might be had on the motion. 95–1, Sept. 22, 1977, p 30290. The Chair may decline to permit a withdrawal while he is counting a vote. 96–1, Nov. 13, 1979, p 32185.

Modification of Motion; Reoffering

A Member having the right to withdraw a motion before a decision thereon has the resulting power to modify the motion. 5 Hinds § 5358; 101–2, Oct. 23, 1990, p _____. But the proponent does not necessarily have the right to reoffer the motion, especially where it is a secondary motion under Rule XVI clause 4; such motions may properly be offered only at the times designated by the rule. Deschler Ch 23 § 1.

Withdrawal of particular motions, see articles listed above (§ 1, *supra*). Withdrawal of amendments, see AMENDMENTS.